



CRM-M-43055 of 2025

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M-43055 of 2025
Date of Decision: 17.11.2025**

Rakib

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. M.S. Bhatti, Advocate for the petitioner.

Ms. Alisha Soni, AAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.77 dated 12.05.2025 registered under Section 152 of the Bharatiya Nyaya Sanhita, 2023, at Police Station Cantt. Bathinda, District Bathinda.

2. Brief facts of the present case as per the prosecution are that the petitioner was found to be in contact with suspected Pakistan Intelligence Operative numbers and in possession of some military documents.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argues that neither the petitioner has any contact with Pakistani Intelligence Operative numbers nor has any concern with the alleged offence. He further argues that there is

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delay of 04 months in lodging the FIR. He further argues that even if the contents of the FIR are taken to be true, no specific role has been attributed to the petitioner. It has also been contended that there is no incriminating material to establish that the petitioner was in contact with any such person. He further submits that even the alleged sensitive nature of the documents has not been established through any expert or verified by the competent military authority. No recovery is to be effected from the petitioner. The petitioner is in custody since 12.05.2025. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The investigation in this case is complete, challan stands presented and charges have also been framed. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged by the counsel that the petition deserves to be allowed.

4. On the other hand, learned State counsel has already filed the status report in the matter and while referring to the same, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. She argues that the petitioner had captured photographs of Army documents in his phone, which is endangering the sovereignty, unity and integrity of India, and that he was in contact with a suspected Pakistani Intelligence Operative. However, she has not controverted the fact that the petitioner is a first time offender as he is not involved in any other case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner has been in



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custody for the last more than 06 months; investigation is complete; challan stands presented; charges framed; prosecution witnesses are yet to be examined, the petitioner has clean antecedents; the complicity of the petitioner is a matter of trial, and the trial is likely to take a long time to conclude, no useful purpose would be served by detaining him in further custody. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

6. Reliance is placed upon the judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein the Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

7. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

17.11.2025

D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No